

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
RENZER BELL,

Plaintiff,

-against-

ANDREW MICHAEL KOSS, a/k/a MICHAEL KOSS,
DR. KAIN KUMAR, SHARMINI KUMAR, JOHN
DOE, EXOTIC EURO CARS, and “ABC
CORPORATIONS” being unknown, and fictitious at this
time,

Defendants.

ANALISA TORRES, District Judge:

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17 Civ. 7762 (AT) (DCF)

ORDER

On October 10, 2017, Plaintiff, Renzer Bell, brought this action *pro se* against Defendants Andrew Michael Koss, Kain Kumar, Sharmini Kumar, John Doe, Exotic Euro Cars, and “ABC Corporations”, alleging breach of a series of contracts in which he agreed to assign Defendants his right to purchase various exotic cars. ECF No. 1. Defendants Kain Kumar, Sharmini Kumar, and Exotic Euro Cars have appeared in this action. ECF Nos. 19–20. On April 11, 2018, the case was automatically stayed due to Exotic Euro Cars’ bankruptcy. ECF Nos. 68, 84.

On July 18, 2019, the Honorable Debra C. Freeman granted Defendants’ attorneys’ motion to withdraw. ECF No. 113. Judge Freeman warned Exotic Euro Cars that “corporations may not appear in this Court without being represented by counsel. For this reason, Exotic Euro Cars must retain new counsel if it wishes to continue to defend this action once the bankruptcy stay is lifted. A failure by Exotic Euro Cars to retain new counsel may result in the entry of a default judgment against it,” and Kain and Sharmini Kumar that “unless they each retain new counsel, they will be expected to proceed in this action on their own behalf, without the benefit of counsel.” ECF No. 113 at 3.

On February 18, 2020, the United States Bankruptcy Court for the Central District of California partially lifted the stay to permit Plaintiff to pursue his litigation. ECF No. 127 at 9–10. Accordingly, on August 7, 2020, this Court issued an order (the “August 7 Order”) that, among other directives, (1) dismissed Kain and Sharmini Kumar for lack of personal jurisdiction, (2) denied Plaintiff’s request for leave to amend his complaint in light of Kain and Sharmini Kumar’s motion to dismiss because the amendment was futile, and (3) denied Plaintiff’s request that the Court hold Defendants in default, because Plaintiff had failed to follow the procedural rules set out by Rule 55 of the Federal Rules of Civil Procedure, Local Civil Rule 55.1, and Rule III(M) of this Court’s Individual Practices in Civil Cases. ECF No. 139 at 8–11.

Plaintiff filed a series of letters in August 2020 addressed to this Court and Judge Freeman, ECF Nos. 140–143, before appealing the August 7 Order to the Second Circuit on

September 6, 2020, ECF No. 144. On September 8, 2020, Plaintiff filed another motion, seeking an extension of time to move for reconsideration and to amend his complaint. ECF No. 145. On October 2, 2020, the Court denied without prejudice all of Plaintiff's requests, noting that, "until Plaintiff's appeal to the Second Circuit has concluded, submissions to this Court or to Judge Freeman concerning the matters addressed in the August 7 Order are improper, and the Court will not consider them." ECF No. 147 at 2.

On November 17, 2020, the Second Circuit dismissed the appeal for non-payment of the filing fee. ECF No. 148.

On April 20, 2021, the Court issued an order to show cause why the case should not be dismissed for failure to prosecute, given Plaintiff's non-action after dismissal of his appeal. ECF No. 149. On May 20, 2021, Plaintiff filed a letter, stating that he was not aware of the dismissal of his appeal, and requesting a discovery conference and discovery from Exotic Euro Cars. ECF No. 150.

Currently, the causes of action against Defendants Kain and Sharmini Kumar have been dismissed for lack of personal jurisdiction, a Clerk's certificate of default has been entered against Defendant Andrew Koss, ECF No. 24, and Defendant Exotic Euro Cars continues to be unrepresented, and thus unable to appear in this Court, *Grace v. Bank Leumi Trust Co. of New York*, 443 F. 3d 180, 192 (2d Cir. 2006), *see also* ECF No. 113.

As all remaining Defendants, therefore, have not appeared or are unable to appear in this Court, by **December 6, 2021**, Plaintiff shall move for default judgment in accordance with Rule 55 of the Federal Rules of Civil Procedure, Local Civil Rule 55.1, and Rule III(M) and Attachment A of this Court's Individual Practices in Civil Cases. If Plaintiff requires assistance in understanding any of the procedural rules of this Court, or any aspect of this Order, Plaintiff should visit www.nysd.uscourts.gov/prose, or call the *Pro Se* Intake Unit at (212) 805-0175.

The Clerk of Court is directed to mail a copy of this order to Plaintiff *pro se*.

The Clerk of Court is further directed to mail a copy of this order to Exotic Euro Cars at the following address, which is on file with the California Secretary of State as the entity's mailing address:

Exotic Euro Cars
22223 Ventura Blvd.
Woodland Hills, CA 91364

The Clerk of Court is further directed to mail a copy of this order to Kain Kumar and Sharmini Kumar at the following address:

Kain Kumar and Sharmini Kumar
4820 Balboa Avenue
Encino, CA 91316

SO ORDERED.

Dated: October 13, 2021
New York, New York



ANALISA TORRES
United States District Judge